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البيوع المنهى عنها
في الاسلام

Forbidden Business Transactions In Islaam

A Transcribed Lecture of Shaikh Saalih bin Fawzaan Al-Fawzaan

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About the Book: This is a translation of a small booklet entitled ***"Al-Buyoo' al-Munhee 'anhaa fil-Islaam"*** [Forbidden Business Transactions in Islaam] by the noble scholar, Shaikh Saalih bin Fawzaan Al-Fawzaan, may Allaah preserve him. The original source for this book was a recording of a lecture he gave in 1411H in a masjid in Saudi Arabia.

The book was chosen due to the importance of its topic amongst Muslims in the West, since as their numbers increase and the communities grow, the need for instituting Muslim-owned businesses that will support and benefit these Muslim communities also grows. And since it is not befitting for the Muslims to engage in matters without knowledge, we felt a need to present this small but informative book to our readers for the purpose of providing knowledge on those matters, which Allaah and His Messenger have warned us against and forbidden with regard to everyday business transactions.

You will find that this treatise is not only intended for the businessman who buys merchandise and sells to his customers, but also for the purchasers who buy the products. The Shaikh spends much of the time focusing on several products that are forbidden to buy, sell and promote, but yet which have found their way into Muslim communities in large quantities, such as music, alcohol and cigarettes.

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In the Name of Allaah, the Most Merciful, the Bestower of Mercy

Introduction:

All praise be to Allaah, Lord of the Worlds, and may the peace and blessings be upon the chief of all Messengers and upon his family and all of his Companions.

This is a short treatise on the subject of prohibited types of business transactions, which has been compiled so that the Muslim can avoid them in his daily affairs – so that his earnings can be from the lawful, which Allaah will benefit him with in this life and the next. Originally, the source for this treatise was a lecture I gave at Masjid Sumoo Walee al-'Ahd Al-Ameer 'Abdullaah bin 'Abdil-'Azeez Aali Su'ood in Riyadh in the month of Jumaadal-Oolaa 1411H. The following is a transcription of that lecture:

From the Lecture:

O Brothers! There is no doubt that commerce and business are two things that are required and necessary. This is because Allaah has commanded us to seek after gaining provision and sustenance for ourselves according to the proper channels generally. And specifically, He said concerning commerce (i.e. buying and selling):

وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا۟

"But Allaah has permitted trading and forbidden interest (*Ribaa*)." [Surah Al-Baqarah: 275]

And He says:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ إِذَا نُودِىَ لِلصَّلَوٰةِ مِن يَوْمِ ٱلْجُمُعَةِ فَٱسْعَوْا۟ إِلَىٰ ذِكْرِ
ٱللَّهِ وَذَرُوا۟ ٱلْبَيْعَ ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ تَعْلَمُونَ ﴿٩﴾ فَإِذَا قُضِيَتِ
ٱلصَّلَوٰةُ فَٱنتَشِرُوا۟ فِى ٱلْأَرْضِ وَٱبْتَغُوا۟ مِن فَضْلِ ٱللَّهِ وَٱذْكُرُوا۟ ٱللَّهَ
كَثِيرًا لَّعَلَّكُمْ تُفْلِحُونَ

"O you who believe, when the prayer is called for on the Day of Jumu'ah, then rush to the Remembrance of Allaah and leave off the trading (commerce). That is better for you if you did but know. And when the prayer is finished then

spread throughout the land and seek from Allaah's Bounty and remember Allaah much in order that you may be successful." [Surah Al-Jumu'ah: 9-10]

And Allaah says, praising those who combine between their seeking of sustenance (*rizq*) and their performing of worship:

فِى بُيُوتٍ أَذِنَ ٱللَّهُ أَن تُرْفَعَ وَيُذْكَرَ فِيهَا ٱسْمُهُۥ يُسَبِّحُ لَهُۥ فِيهَا بِٱلْغُدُوِّ وَٱلْآصَالِ ﴿٣٦﴾ رِجَالٌ لَّا تُلْهِيهِمْ تِجَٰرَةٌ وَلَا بَيْعٌ عَن ذِكْرِ ٱللَّهِ وَإِقَامِ ٱلصَّلَوٰةِ وَإِيتَآءِ ٱلزَّكَوٰةِ

"In houses (masaajid), which Allaah has ordered to be raised, and in which His name is mentioned. He is glorified therein during the mornings and the evenings. Men whom neither business nor commerce diverts them away from the Remembrance of Allaah, nor from performing the Prayer or giving the Zakaat." [Surah An-Noor: 36-37]

In this ayah, Allaah states that from the attributes of the Muslims is that they buy and sell (i.e. they trade). But when the time for prayer comes, they leave off the buying and selling and head for the prayer.

لَّا تُلْهِيهِمْ تِجَٰرَةٌ وَلَا بَيْعٌ عَن ذِكْرِ ٱللَّهِ

"Neither trading nor business diverts them away from the Remembrance of Allaah." [Surah An-Noor: 37]

Allaah has commanded us to seek after the means of sustenance (*rizq*) along with the command to worship Him, as He says:

فَٱبْتَغُواْ عِندَ ٱللَّهِ ٱلرِّزْقَ وَٱعْبُدُوهُ وَٱشْكُرُواْ لَهُۥٓ إِلَيْهِ تُرْجَعُونَ

"So seek your provision from Allaah and worship Him (alone). And be grateful to Him, to Him you will return." [Surah Al-'Ankaboot: 17]

So conducting business by buying and selling or any of the other types of permissible ways of earning provision is something that is required according to the Religion since tremendous benefits will result from that for both the individual and the society.

Buying and Selling, in itself, are both praiseworthy and necessary, so long as they do not cause harm to one's worship or cause him to delay performing the prayer in congregation in the masaajid.

The Prophet (*sallAllaahu 'alayhi wa sallam*) said: **"The honest and trustworthy businessman will be with the prophets, martyrs and righteous people."** This means: The businessman who buys and sells while being honest will be with these groups of people on the Day of Judgement. This is a great position, which indicates the nobility of holding such an occupation. And the Prophet (*sallAllaahu 'alayhi wa sallam*) was once asked as to which kind of earning was the most pure? So he responded: **"A blessed trading (accepted by Allaah) and the labor a man does with his hand."** [Reported by At-Tabaraanee]

The Prophet (*sallAllaahu 'alayhi wa sallam*) also said: **"The two persons conducting a business are in a state of goodness so long as they do not separate from one another. So if they are both honest and open with one another, they are blessed in their transaction. But if they lie and conceal (the truth), the blessing of their transaction is wiped out."**

So doing business while being honest and righteous is from the best ways of earning sustenance. As for conducting business with lies, fraud, swindling and deception, then this is from the worst forms of earning sustenance.

The Prophet (*sallAllaahu 'alayhi wa sallam*) once passed by a group of Muslims who were buying and selling in the marketplace of Madeenah. So the Prophet (*sallAllaahu 'alayhi wa sallam*) said: **"O you gathering of traders!" So they raised their heads waiting to hear what he would say. And he said: "Indeed the traders will be resurrected as sinful evil-doers (*fujaar*) except for those who fear (are dutiful to) Allaah, are righteous and honest."** [Reported by At-Tirmidhee who said it was *hasan saheeh*]

The Prophet himself (*sallAllaahu 'alayhi wa sallam*) engaged in business transactions during the first part of his life, when he used to manage the money of Khadeejah. This was before the advent of his prophethood. And he would buy and sell and gain profit.

This was the same for the Companions of Allaah's Messenger – they would buy and sell and trade. And there were found wealthy people amongst them who used their wealth to support the Jihaad in Allaah's Cause, such as 'Uthmaan bin 'Affaan (*radyAllaahu 'anhu*) who supplied the poor in the army with equipment. And such was the case with 'Abdur-Rahmaan bin 'Awf (*radyAllaahu 'anhu*) who would donate money to the Muslims at the time of need and at the time of Jihaad.

And such was the case with Abu Bakr as-Sideeq (*radyAllaahu 'anhu*), for he would buy and sell and sacrifice his wealth to support Islaam and the Muslims, from the time he was in Makkah before migrating, as well as after migrating. He would give away much and much of his wealth for the Cause of Allaah.

Therefore, seeking the means of sustenance according to the permissible channels – the greatest of which are buying and selling – has much good in it.

However, this buying and selling must be set with religious guidelines, so that the Muslim can avoid falling into forbidden transactions and unlawful forms of earning. The Prophet (*sallAllaahu 'alayhi wa sallam*) has forbidden us from certain types of business transactions due to what they contain from sinful means of earning and what is found in them from dangers to mankind and the taking of wealth unjustly. From these types of prohibited transactions are:

1. **When the buying and selling keeps one preoccupied from performing worship**, i.e. they take away from the time of the worship, such as when a person is busy buying and selling and holds back from praying in congregation in the masjid, to the point that he misses it or misses part of it. This is forbidden. Allaah says:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ إِذَا نُودِىَ لِلصَّلَوٰةِ مِن يَوْمِ ٱلْجُمُعَةِ فَٱسْعَوْا۟ إِلَىٰ ذِكْرِ
ٱللَّهِ وَذَرُوا۟ ٱلْبَيْعَ ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ تَعْلَمُونَ ﴿٩﴾ فَإِذَا قُضِيَتِ
ٱلصَّلَوٰةُ فَٱنتَشِرُوا۟ فِى ٱلْأَرْضِ وَٱبْتَغُوا۟ مِن فَضْلِ ٱللَّهِ وَٱذْكُرُوا۟ ٱللَّهَ
كَثِيرًا لَّعَلَّكُمْ تُفْلِحُونَ

"O you who believe, when the prayer is called for on the Day of Jumu'ah, then rush to the Remembrance of Allaah and leave off the trading (commerce). That is better for you if you did but know. So when the prayer is finished then spread throughout the land and seek from Allaah's Bounty and remember Allaah much in order that you may be successful." [Surah Al-Jumu'ah: 9-10]

And Allaah says in another ayah:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تُلْهِكُمْ أَمْوَٰلُكُمْ وَلَآ أَوْلَـٰدُكُمْ عَن ذِكْرِ ٱللَّهِ ۚ وَمَن
يَفْعَلْ ذَٰلِكَ فَأُو۟لَـٰٓئِكَ هُمُ ٱلْخَـٰسِرُونَ

"O you who believe! Do not let you wealth or your children divert you from the Remembrance of Allaah. And whoever does that, then such are the losers." [Surah Al-Munaafiqoon: 9]

Take note of Allaah's saying: **"…then such are the losers."** He rules upon them that they are losers even though they may be wealthy, having amassed hoards of money, and even if they may have many children.

This is because their wealth and their children cannot replace what they missed out on from the Remembrance of Allaah. So even if they gain a profit or earn income in this world, they will still be losers in every sense of the word.

They can only be profiting in reality if they combine between these two good things. If they were to combine between the seeking of sustenance and the worship of Allaah, by buying and selling when it is time for buying and selling and attending the prayer when it is time for prayer, then they would have combined between the good of this life and the good of the Hereafter. And they would have acted on Allaah's saying:

فَٱبْتَغُوا۟ عِندَ ٱللَّهِ ٱلرِّزْقَ وَٱعْبُدُوهُ

"So seek your provision from Allaah and worship Him (alone)" and His saying:

فَإِذَا قُضِيَتِ ٱلصَّلَوٰةُ فَٱنتَشِرُوا۟ فِى ٱلْأَرْضِ وَٱبْتَغُوا۟ مِن فَضْلِ ٱللَّهِ

"So when the prayer is finished then spread throughout the land and seek from Allaah's Bounty."

Therefore, commerce is of two types – the commerce of the worldly life and the commerce of the next life (Hereafter). The commerce of this life is with wealth and with earnings while the commerce of the next life is with righteous actions. Allaah says:

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ هَلۡ أَدُلُّكُمۡ عَلَىٰ تِجَٰرَةٖ تُنجِيكُم مِّنۡ
عَذَابٍ أَلِيمٖ ١٠ تُؤۡمِنُونَ بِٱللَّهِ وَرَسُولِهِۦ وَتُجَٰهِدُونَ فِي سَبِيلِ
ٱللَّهِ بِأَمۡوَٰلِكُمۡ وَأَنفُسِكُمۡۚ ذَٰلِكُمۡ خَيۡرٞ لَّكُمۡ إِن كُنتُمۡ تَعۡلَمُونَ
١١ يَغۡفِرۡ لَكُمۡ ذُنُوبَكُمۡ وَيُدۡخِلۡكُمۡ جَنَّٰتٖ تَجۡرِي مِن تَحۡتِهَا
ٱلۡأَنۡهَٰرُ وَمَسَٰكِنَ طَيِّبَةٗ فِي جَنَّٰتِ عَدۡنٖۚ ذَٰلِكَ ٱلۡفَوۡزُ ٱلۡعَظِيمُ ١٢
وَأُخۡرَىٰ تُحِبُّونَهَاۖ نَصۡرٞ مِّنَ ٱللَّهِ وَفَتۡحٞ قَرِيبٞۗ وَبَشِّرِ ٱلۡمُؤۡمِنِينَ ١٣

"O you who believe, shall I not direct you to a trade (i.e. commerce) that will save you from a painful punishment? Believe in Allaah and His Messenger and strive hard and fight in the Cause of Allaah with your wealth and your lives. That will be better for you, if you but knew! (If you do so), He will forgive you your sins and admit you into Gardens under which rivers flow and pleasant dwellings in the gardens of 'Adan (i.e. Paradise). That is indeed the great success. And He will also give you another (blessing), which you will love – help from Allaah and a near victory. So give glad tidings to the believers." [Surah As-Saff: 10-13]

This is the immense commerce, which is profitable. So if the permissible commerce of this worldly life is attached to it, it becomes good upon good. But if a person limits his commerce to solely that of this worldly life while abandoning the commerce of the Hereafter, he becomes a loser, as Allaah says: **"…then such are the losers."** [Surah Al-Munaafiqoon: 9]

Therefore, if a person were to turn his attention to performing worship and establishing the prayer, and if were to remember Allaah much, by doing what Allaah commanded him to do, Allaah would surely open the doors of sustenance for him. As a matter of fact, the prayer is a means for attaining sustenance (*rizq*), as Allaah says:

وَأۡمُرۡ أَهۡلَكَ بِٱلصَّلَوٰةِ وَٱصۡطَبِرۡ عَلَيۡهَاۖ لَا نَسۡـَٔلُكَ رِزۡقٗاۖ نَّحۡنُ نَرۡزُقُكَۗ
وَٱلۡعَٰقِبَةُ لِلتَّقۡوَىٰ ١٣٢

"And command your family with prayer and be patient in offering them. We are not asking you to provide Us with sustenance (*rizq*). (Rather), We will provide for you and the good end is for those who have Taqwaa." [Surah TaHa: 132]

So the prayer, which some people claim takes time away from them seeking after the *rizq* (sustenance) and from buying and selling, is in fact the opposite of what they claim. It opens for them the door of provision, comfort and blessing. This is because the sustenance (*rizq*) is in the Hand of Allaah. So if you were to turn your attention towards remembering Him and worshipping Him, He would facilitate and open the door of sustenance for you. **"And Allaah is the best of Providers."** [Surah Al-Jumu'ah: 11]

Allaah says, describing the worship of the believers:

فِي بُيُوتٍ أَذِنَ ٱللَّهُ أَن تُرْفَعَ وَيُذْكَرَ فِيهَا ٱسْمُهُۥ يُسَبِّحُ لَهُۥ
فِيهَا بِٱلْغُدُوِّ وَٱلْآصَالِ ﴿٣٦﴾ رِجَالٌ لَّا تُلْهِيهِمْ تِجَٰرَةٌ وَلَا بَيْعٌ عَن
ذِكْرِ ٱللَّهِ وَإِقَامِ ٱلصَّلَوٰةِ وَإِيتَآءِ ٱلزَّكَوٰةِ يَخَافُونَ يَوْمًا تَتَقَلَّبُ
فِيهِ ٱلْقُلُوبُ وَٱلْأَبْصَٰرُ ﴿٣٧﴾

"In houses (masaajid), which Allaah has ordered to be raised, and in which His name is mentioned. He is glorified therein during the mornings and the evenings. (They are) Men whom neither business nor commerce diverts them away from the Remembrance of Allaah, nor from performing the Prayer or giving the Zakaat. They fear a day when the hearts and the eyes will be overturned out of fear (of the horrors of the Day of Judgement)." [Surah An-Noor: 36-37]

In explanation of this ayah, some of the Salaf said: "They (the Sahaabah) would buy and sell, but when one of them heard the *mua'dhin* calling to prayer, and the scale was still in his hand, he would drop the scale and head out for the prayer."

So as stated before, the point is that if the buying and selling preoccupies you from performing your prayer, then this commerce is forbidden and futile. And the money earned from it is Haraam (unlawful) and filthy.

2. And from the forbidden types of business is: **Selling a forbidden commodity**. This is because when Allaah makes something forbidden, He also makes taking money for

it forbidden, such as when someone sells something that is forbidden to be sold. Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*) forbade that dead animals, *khamr* (i.e. wine), swine and statues be sold So whoever sells dead animals, i.e. meat for which no prescribed Zakaat was given, then he has sold a dead animal and earned unlawful money.

This goes the same for selling *khamr*. What is meant by the word *khamr* is everything that intoxicates, based on the Prophet's saying: **"Every intoxicant is *khamr* and every kind of *khamr* is Haraam (unlawful)."** And he (*sallAllaahu 'alayhi wa sallam*) cursed ten people with regard to *khamr*, as is recorded in the authentic hadeeth: **"Verily Allaah cursed *khamr* – the one who produces it and the one for whom it is produced, the one who sells it and the one who buys it, the one who drinks it and the one who earns from the sale of it, the one who carries it and the one who it is carried to, and the one who serves it."** [Reported by At-Tirmidhee and Ibn Maajah]

Khamr is every type of intoxicant regardless of whether it is called *khamr* or alcoholic beverages or liquor or wine or whiskey. It doesn't matter if it is called by any of these or other names – changing the name does not change the fact that it is *khamr*. It has been reported in a hadeeth that: **"There will come a people during the Last Days that will call *khamr* by another name and drink it."**

Also, what is worse than this is selling narcotics, such as **hasheesh and opium**, as well as other types of drugs, which are being dealt out to the people in these days. So the one who sells it and deals it is a criminal – in the eyes of the Muslims ***and*** in the eyes of the whole world. This is because drugs kill people, so it is like a destructive weapon.

Therefore, anyone who sells drugs or distributes it or assists in its distribution – all of them fall under the curse of Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*). And taking money from it is from the wickedest of acts and the most detestable of gains. Furthermore, the one who deals drugs deserves to be executed because he is one of those who cause mischief in the land.

The same goes for selling **cigarettes and qaat** (leaves that are chewed in Arabian lands). Cigarettes are harmful and they cause diseases to occur. In fact, all of the characteristics of *khubth* (wickedness) are gathered together in cigarettes. There is no benefit in smoking in any way whatsoever. Its harms are many. The one with the worst kind of breath, the most despicable appearance and the most burdensome to accompany out of all people is the one who smokes cigarettes. If he sits next to you or he rides next to you in a car or on a plane, you feel constricted by the smoke he

makes and its foul stench. The odor coming from his mouth is bad enough when he breathes in your face, so how much more so if he were to smoke in your presence and the cigarette smoke were to float in your face! The matter would be worse.

So smoking is wicked from all perspectives and there isn't any benefit found in it. Therefore, it is forbidden without any hesitation or doubt. It is unlawful to smoke based on several perspectives, not just one.

When one smokes, he throws away money and wastes time. Cigarettes disfigure the face, blacken the lips and stain the teeth. As for the diseases that are caused by it, then they are many.

Many people have been afflicted by it and yet they take it lightly and as something trivial. This is even to the point that some are suffering from its effects even though they never smoked and they hate smoking. However, they sold it to the people because they loved to make money any way they could. But these people don't know that this type of business spoils all of their earnings, because some of them mix the money they make from it with their business and so they spoil it, since (doing this) is forbidden and disobedience (to Allaah). Sustenance is not to be sought from Allaah through disobeying Him. Rather, sustenance and provision are to be sought from Allaah by way of obeying Him. Whatever Allaah has ordained for you from *rizq* (sustenance) will surely come to you. If you seek after it while being obedient to Allaah (in all that He commands and prohibits), He will facilitate and bless your wealth.

3. Another type of forbidden business is: **Selling musical and entertainment instruments** in all of their various forms, such as stringed instruments and wind instruments or musical appliances and all of the instruments that are used for that purpose, even if they are called by other names such as "technical apparatuses."

So it is Haraam (unlawful) for the Muslim to sell these instruments and appliances because it is an obligation to destroy them and not have any of them remain in the lands of the Muslims. So if this is the case, how can they be sold? And how can one take money for them? This is from the forbidden acts!

4. And from the forbidden types of business transactions is: **Selling images (i.e. pictures, statues)**. The Prophet (*sallAllaahu 'alayhi wa sallam*) forbade us from selling statues, and what was intended by statues was (all life) images. This is because originally statues are based on image representations, regardless of whether it is representing horses, birds, animals or human beings. Everything that has a spirit (*rooh*), then selling an image of it is Haraam, and the money made from it is Haraam.

The Prophet (*sallAllaahu 'alayhi wa sallam*) cursed the image-makers and he informed us that they will be the ones with the worst and most severe punishment on the Day of Judgement.

Likewise, it is not permissible to sell **magazines that are filled with pictures**, especially if these magazines contain immoral pictures (i.e. of naked women). This is because along with the fact that they contain pictures that are forbidden, they also serve as a *fitnah* (temptation) and an incitement towards doing evil acts.

This is since when a man looks at a picture of a beautiful girl who is exposing some of her features or she is uncovering some of her body (i.e. naked), then most of the time this will rouse the man's desires. And these desires will lead this individual to commit lewd and criminal acts. This is exactly what the devils amongst mankind and the jinn hope for by the distribution and sale of these pictures.

Also, from a higher perspective, is **selling immoral movies** (i.e. pornographic films), especially videotapes, which the Muslim communities have poured into the arena of their homes. These movies display images of naked women in them as well as images of lewd and immoral sexual acts! These movies tempt and incite the young men and women and cause them to be raised upon loving this kind of immorality.

Therefore, it is not permissible to sell these kinds of lewd films. Rather, it is binding upon you to prevent, destroy and distance these films away from the Muslim environments.

So anyone who opens a store to sell (or rent) these immoral videotapes, he has in fact opened a place for the disobedience of Allaah to be conducted and he has earned unlawful and illegal money, if he uses it or spends it on his family. Rather, he has opened up a place of *fitnah* (mischief) and a fortress for the Devil.

5. And also from the forbidden types of business transactions is: **Selling Tapes in which are recorded immoral songs,** with the voices of male and female singers accompanied by music. And these songs consist of words that talk about lust, infatuation and craze for women. So it is forbidden (Haraam) to listen to, record and sell these songs. And taking money for them is considered unlawful earnings and illegal gains, which Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*) forbade severely since they spread evil and immorality. And they corrupt one's manners and transport evil into the homes of the Muslims.

6. And from the forbidden types of business transactions is: **Selling something that the buyer will use towards committing Haraam.** So if the seller knows that the

buyer will use the product he is buying to commit some forbidden act, then selling it to him is forbidden and void. This is because you will be assisting him upon sinfulness and transgression, and Allaah says:

وَتَعَاوَنُوا۟ عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا۟ عَلَى ٱلْإِثْمِ وَٱلْعُدْوَٰنِ ۚ

"And help one another towards piety and fearing of Allaah, and do not help one another towards sinfulness and transgression." [Surah Al-Maa'idah: 2]

So for example, if someone buys grapes or dates for the purpose of making wine from them, or he buys a sword for the purpose of killing Muslims with it or for the purpose of committing highway robbery or to be tyrannical or a troublemaker and so on – anyone that will use a product to help him commit what Allaah has forbidden or will use it in something Allaah has prohibited – then selling that product to him is not permissible. This is if one knows for sure that the buyer will do that or he suspects for the most part that he will do that.

7. And from the forbidden types of business transactions is: **When a man sells something that he doesn't own**. For example, a man goes to a businessman looking for a specific product, but this businessman doesn't have this specific product. Yet they both agree to a contract (for the sale of the product) and agree on the extent of the price (on the item) presently or in the future. And all the while, the product is not found in the possession of the businessman or the buyer. Then the businessman goes and buys this product and hands it over to the buyer after they already agreed to a price and they made a contract and determined the value as it relates to present terms or in the future.

So this kind of business transaction is Haraam. Why? Because he sold something he didn't own and he sold something before gaining possession of it, if the product was specified. As for if the product was not specified and its price was delayed, he actually sold a debt on credit. The Messenger of Allaah (*sallAllaahu 'alayhi wa sallam*) forbade us from doing that, as was the case when Hakeem bin Hazaam (*radyAllaahu 'anhu*) came to him, saying: "O Messenger of Allaah, what if a man comes to me wanting to buy something from me, but I don't have it. Then I go to the marketplace and buy it for him?" The Prophet (*sallAllaahu 'alayhi wa sallam*) said: **"Do not sell what you don't have."**

This is a clear cut forbiddance, therefore it is not permissible for a person to sell some specified commodity unless he is in possession of it before making a contract on it, whether he will sell it right there or in the future.

It is not permissible to take this matter lightly. So whoever wants to sell something to the people, then he should store the products in his store or in his shop or in a warehouse or in the trunk of his car or in his office, so that he can have the products ready with him. Then if some people who want to buy the product come to him, he can sell it to them directly or at a later time.

But if it is said: Isn't this a type of transaction that has been described with regard to the subjects (of a Muslim land), so it would take the similitude of As-Salam?[1] We say: With as-Salam one must pay the price of the product(s) at the time of the contract. But as for this type of transaction, then it involves paying the price at a later time, so it like selling a debt for credit, which is forbidden according to the unanimous agreement of the scholars.

8. And from the forbidden types of business transactions is: **The 'Aynah Transaction**. What is the 'Aynah Transaction? It is when a product is sold to a person for a deferred price (i.e. a raised price to be paid later), then that same product is bought back from him at current value less than the deferred price for which it was given to him. So when the time comes in which the deferred payment is due, he pays his creditor in full.

This is what is known as an Al-'Aynah Transaction. It is called 'aynah (i.e. derivate of *'ayn* = same) because the same product that was sold is returned back to its owner. This is Haraam because it is deceiving someone into interest (Ribaa).

In reality, it is as if you are selling dollars at the current price for deferred dollars (i.e. to be given later), which are more than the original amount. And you are just using the product as a device or means to gaining this interest. [2]

It is an obligation on you if you are owed money by someone, because you sold him some product for a deferred price that you let him sell it to someone else, or that you let him act freely in the matter – if he wishes he can keep it or if he wishes he can sell it to someone else, if he is in need of the money. The Prophet (*sallAllaahu 'alayhi wa sallam*) said: **"When you deal with *al-'aynah* transactions and you hold onto the**

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[1] **Translator's Note:** As-Salam refers to a sale in which a price is paid for goods to be delivered later. Concerning the business transaction as-Salam, Ibn 'Abbaas (*radyAllaahu 'anhu*) reported: "Allaah's Messenger came to Madeenah and the people used to pay in advance the price of fruits to be delivered within one or two years." [Saheeh Al-Bukhaaree (Eng.): 3/441]

[2] **Translator's Note:** Another example is if you sell an item that is worth $25 to someone for $50 because he will pay you next month and not now. This may be agreed because perhaps you feel the value of the item will go up by then. But for some reason, the buyer is short of money and wants to sell the item back to you, so he comes to you the next day and you make him sell it to you for the current market price, which is still $25. So when the date, next month, on which you agreed he would pay you the $50 comes, he pays you the money. So altogether you make $25 apart from the item, which is considered interest.

tails of cows and you are pleased with the agriculture, Allaah will send humiliation down upon you. He will not remove it from you until you return back to your Religion." [Reported by Abu Dawood and it has supporting evidences]

9. And from the forbidden types of business transactions is: **An-Najash**. What is meant by an-Najash is when you display a product for sale in a public auction. Then a person comes and bids up the price of the item, but he doesn't intend to purchase the item, rather he only wants to raise the price for the customers intending to deceive the buyers. This is the same whether he agreed with the seller to do this or he did it on his own. So whoever bids for a product and he doesn't want to buy it, rather he only wants to raise its price for the customers, then this person is a Naajish, who has opposed the prohibition of Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*). Doing this is Haraam, as the Prophet (*sallAllaahu 'alayhi wa sallam*) said: **"And do not perform Najash on each other."**

So a person who has no desire or need for the item, he should not participate in the auction and not bid for it. Instead, he should leave the customers, who really desire the item, to outbid each other.

Perhaps a person may want to help the seller, and sympathy for the seller overcomes him. So he bids up the price of the item for the purpose of helping the seller – according to his perception. Or perhaps, the seller may agree with a group of his associates to create a crowd around the item for sale in order to draw the people's attention. These acts are considered from Najash and are Haraam because they are a means of deceiving the Muslims and a way of taking their money unjustly.

Also, the scholars of Fiqh have stated that what falls under Najash is when a seller tells his customer: "I bought this item for such and such price", lying about the price, so that the buyer may be fooled and buy the item at an increased value.

Or it is when the seller says: "I was given this product at this price" or he says: "I received it for this much", lying about the price. He only wants to fool the customers into bidding the price up to reach this alleged and false price, which he claims he spent for the item. This is from the Najash, which Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*) forbade. It is a treachery and deception of the Muslims, and it is lying and disloyalty, for which he will be accountable for before Allaah.

So what is obligatory on the seller is that he reveals the truth if the buyer asks him how much he got it for. He must tell him the truth and not say that he attained it for this much money, lying about the price. What also falls into the definition of An-Najash is if the people of the marketplace or the storeowners agree to not outbid one another

when an item is presented for sale, for the purpose of forcing the owner to sell it for a (discounted) cheaper price. So therefore, they are all participating in this act, which is Haraam. And this is from An-Najash. It is also a form of taking the people's money unjustly.

10. And from the forbidden types of business transactions is: **When a Muslim conducts a sale on top of the sale of his brother**. The Prophet (*sallAllaahu 'alayhi wa sallam*) said: **"And none of you should conduct a sale on top of the sale of his (Muslim) brother."** How is this done? It is done, for example, when a person who wants to buy a certain product comes and buys it from one of the businessmen, who gives him the option to finalize the deal in two or three days or more. So in this case, it is not permissible for another businessman to come and interpose, saying to the buyer: "Leave this product. I will give you the same item, even better than it, for a cheaper price." This is Haraam because he is conducting a sale on top of the sale of his brother.

Therefore, so long as he sells him the item and gives him the option (to finalize the deal later), let him obtain it and do not interfere with the deal. If he wishes, he will take the product, and if he wishes, he will cancel the deal. So if he calls off the deal due to his own choice (i.e. not being coerced or influenced), then there is nothing preventing you from selling it to him (now).

(On the opposite end) conducting a purchase over his purchase is also Haraam. So if a Muslim comes and buys a product from one of the businessmen for a fixed price and is then given the option for a period of time (to finalize the deal), it is not permissible for another buyer to interfere by going to the businessman or the seller, saying: "I will buy that product from you for a higher price than that person bought it from you."

This is Haraam because these kinds of transactions cause harm to the Muslims and violate their rights and puts hatred into their hearts (for one another). This is since if a Muslim comes to know that you interfered in his transaction and you were the cause for ruining the deal that was between the two of them, he will be filled with hatred, spite and abhorrence for you.

Or perhaps he may even supplicate against you, because you have oppressed him. And Allaah says: **"And work with one another upon piety and fear of Allaah. And do not work with one another upon sin and transgression."** [Surah Al-Maa'idah: 2]

11. And also from the business transactions that are forbidden is: **The Deceptive Sale**, which is when you deceive your Muslim brother by selling him a product that has

defects and you know about these defects yet you do not inform him about them. So this kind of sale is not permissible and it is from deception, swindling and fraud.

It is obligatory on the seller to make these defects clear to the seller and to let him know about them. But if he fails to inform him about them, then this is from deception and swindling, which Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*) forbade in his saying: **"The two persons conducting a business transaction are in a state of goodness for as long as they do not separate from one another. So if they are both honest and open with one another, they are blessed in their transaction. But if they lie and conceal (the truth) from one another, the blessing of their transaction is wiped out."**

So it is obligatory upon us, O servants of Allaah, to be sincere. Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*) said: **"The Religion is sincerity, the religion is sincerity, the religion is sincerity."** They (the Companions) said: "To who O Messenger of Allaah?" He said: **"To Allaah, to His Book, to His Messenger, to the Muslim leaders and the Muslim general masses."**

So the Muslim must be sincere. What is meant when one is sincere towards something is that he is free or absolved from certain things. So being sincere means being free from cheating (for example).

One time the Messenger of Allaah (*sallAllaahu 'alayhi wa sallam*) passed by a person selling some food in the marketplace who had his food in a pile. So the Prophet (*sallAllaahu 'alayhi wa sallam*) put his noble hand inside the pile of food and found some wet portions in the bottom of the pile. So he said: **"What is this O owner of the food?"** He said: "The sky has affected it" – meaning the rain has damaged some of it. So Allaah's Messenger (*sallAllaahu 'alayhi wa sallam*) said: **"Then won't you make it visible so that the people can see it? Whoever cheats us (i.e. swindles Muslims) is not from us."**

This hadeeth is considered one of the fundamental principles in conducting business transactions between the Muslims. So it is not permissible for a Muslim to conceal the defects. If his merchandise has a defect then he must make it visible so that the buyer sees it and is aware of it, and so that he could acquire the item for a price that is appropriate for this defect. He must not acquire the item for the price it would be if it were flawless, for then the seller would be deceiving, cheating, fooling and swindling, based on the saying of Allaah's Messenger: **"Then won't you make it visible so that the people can see it? Whoever cheats us is not from us."**

So O servants of Allaah! How much of swindling do you see in these days? How many times do you see people placing the defective items in the bottom of the containers and cases while placing the good items on the top – whether vegetables or food items? They purposely put the defective item in the bottom while putting the flawless item on the top. This is trickery, which is done intentionally.

We ask Allaah to pardon and forgive us and you, and that He make our *rizq* (sustenance) Halaal and that He make our earnings Halaal. And we ask Him to provide us from His vast Bounty.

O Allaah suffice us with what You have made Halaal over that which You made Haraam, and (suffice us) with Your Bounty over that of others besides You. And forgive us, have mercy on us and accept our repentance. Verily, You are the One who accepts Repentance, the Bestower of Mercy. And may the peace and blessings of Allaah be on Allaah's Messenger.